

Applicant or Patentee: Joseph M. Jilka, Elizabeth E. Hood, and John A. Howard

Serial No. or Patent No: _____

Filed or Issued: June 9, 2000

For: NOVEL PLANT PROMOTER SEQUENCES AND METHODS OF USE FOR SAME

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY

STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

☒ the owner of the small business concern identified below:

☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN ProdiGene, Inc.

ADDRESS OF CONCERN 101 Gateway Boulevard, Suite 100, College Station, TX 77845

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

NOVEL PLANT PROMOTER SEQUENCES AND METHODS OF USE FOR SAME

by inventor(s) Joseph M. Jilka, Elizabeth E. Hood, and John A. Howard, described in

☒ the specification filed herewith.

☐ application Serial No. _____, filed _____.

☐ Patent No. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of payment, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME AND TITLE OF PERSON SIGNING John Anthony Howard, President

ADDRESS OF PERSON SIGNING 101 Gateway Boulevard, Suite 100, College Station, TX 77845

SIGNATURE _____

DATE _____

June 9, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
DECLARATION AND POWER OF ATTORNEY FOR JOINT INVENTORS
(Not Accompanying Application)

As the below named coinventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names. On June 9, 2000 we filed Application Serial No. 09/590,558 in the United States Patent and Trademark Office. We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled as follows: **NOVEL PLANT PROMOTER SEQUENCES AND METHODS OF USE FOR SAME**, the specification and drawings of which are attached hereto.

We hereby state that we have reviewed and understand the contents of the above identified specification and drawings, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code Of Federal Regulations, Section 1.56. We further declare that no application for patent or inventor's certificate on this invention has been filed by us, our legal representatives or assigns in any country foreign to the United States of America except as identified below:

NONE.

We hereby appoint the attorneys of record listed under **Customer No. 22885** at ZARLEY, MCKEE, THOMTE, VOORHEES & SEASE, 801 Grand Avenue, Suite 3200, Des Moines, Iowa 50309-2721 (telephone number 515-288-3667 and fax number 515-288-1338), as our attorneys to prosecute this application and to transact all business in the Patent Office connected therewith.

Please direct all correspondence to the attention of Heidi S. Nebel, Zarley, McKee, Thomte, Voorhees & Sease, 801 Grand Avenue, Suite 3200, Des Moines, Iowa, 50309-2721 (telephone number 515-288-3667).

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable

by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

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Inventor's signature: _____

John A. Howard

Date: 8-25-00

Full name of joint inventor: John A. Howard

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Country of Citizenship: United States Of America

This declaration ends with this page.